



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



LETTER OF DEFICIENCY
WET 2003-0017

October 1, 2003

Todd Nakrosis
11 Appledore Avenue
Rye, NH 03870

**RE: NHDES Wetlands Complaint File #2002-1907, Nakrosis, 11 Appledore Avenue, Rye
Tax Map 194 / Lot 55**

Dear Mr. Nakrosis:

The Department of Environmental Services ("DES") Wetlands Bureau is conducting a systematic review of all enforcement cases currently outstanding. On September 18, 2003, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Rye Tax Map 194 as Lot 55 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A, the New Hampshire Wetlands Law, and RSA 483-B, the Comprehensive Shoreland Protection Act.

Based on the letter that you sent to DES and the inspection, DES personnel determined that you have constructed an addition to your house within the tidal buffer zone without a permit from the DES Wetlands Bureau. The tidal buffer zone is defined as the area 100 ft. landward of highest observable tideline. Also, it appears that the area between the saltmarsh and the house has been filled.

DES requests that you take the following action:

1. Apply after-the-fact for the addition to the house that is within the tidal buffer zone. A Standard Dredge and Fill application is enclosed.
2. Please explain the history of the area between the saltmarsh and the house that appears to have been filled.

RSA 482-A and RSA 483-B, the New Hampshire Wetlands law and the Comprehensive Shoreland Protection Act, were enacted to protect and preserve wetlands, surface waters and the shoreline from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit from the Wetlands Bureau and comply with the Comprehensive Shoreland Protection Act. If work is done without a permit from the Wetlands Bureau and is not in compliance with the

NHDES Wetlands File #2002-1907

Comprehensive Shoreland Protection Act, this is considered a violation of RSA 482-A and 483-B. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

David Price, Compliance Investigator
Wetlands Bureau
Department of Environmental Services
360 Corporate Drive
Suite 2
Portsmouth, NH 03801

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact David Price at the Pease Field Office at (603) 433-6183 or by e-mail at dprice@des.state.nh.us.

Sincerely,

 **COPY**

Dori Wiggin
Coastal Supervisor
DES Wetlands Bureau

CERTIFIED MAIL #7003 1010 0003 3557 2531

cc: Rene Pelletier, Manager, Land Resources Management Program
Mark Harbaugh, DES Legal Unit
Susan Zarlengo, Rye Building Inspector
Rye Conservation Commission